

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

ANTHONY A. WHITE,)	CASE NO. 1:05CV2616
)	
)	
Plaintiff(s),)	
)	
v.)	
)	
DAVID BOBBY, WARDEN,)	
)	
Defendant(s).)	<u>JUDGMENT</u>

The Court has filed its Order adopting the Report and Recommendation of the Magistrate Judge dismissing Petitioner's claim as untimely. Furthermore, the Court certifies, pursuant to 28 U.S.C. 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed.R.App.P.22.

IT IS SO ORDERED.

S/Christopher A. Boyko
HONORABLE CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

March 5, 2009